

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4654 OF 2006

Mrs.Urmila C. Chorge Petitioner
V/s.
Ramesh S. Shanbag & Ors. Respondents

Mr.S.B. Deshmukh for the Petitioner.
Mr.Chetan Agarwal for the Respondents.

CORAM : R.M. SAVANT, J.
DATED : 12TH JUNE, 2007.

P.C. :

1. This Petition impugns an order dated 13.7.2006 passed by the Joint Civil Judge (J.D.), Satara. By the impugned order one Vijay Patil was appointed as a Court Commissioner for carrying out the work of Commission in respect of the suit property.

2. I am informed by the learned counsel for the parties that the said Court Commissioner has submitted his report, which is now on record of the trial Court. The Petitioner seeks to raise various issues as regards the competency of Mr.Patil, who carried out the work of the Commission and submitted the report. It is the contention of the learned counsel for the Petitioner that the said Shri Patil is not an

Architect as is made out but he is a Civil Engineer. It is further contended by the learned counsel for the Petitioner that in the said circumstances whether the report submitted by the Court Commissioner can be accepted as a piece of evidence.

3. In view of the fact that the report has already been submitted by the Court Commissioner, no interference is called for with the impugned order dated 13.7.2006. However, the Petitioner would be entitled to object to the said Court Commissioner's report in terms of the ground made out in the Petition and the said objection would be considered by the trial Court on its own merits without being influenced by the instant order.

4. With the aforesaid observations, the Petition is disposed of.

(R.M. SAVANT, J.)